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**CENTRAL FAX CENTER****FEB 04 2009****DATE:** February 4, 2009**This transmission consists of this cover sheet and \_14\_ page(s) to:****FAX NO:** (571) 273-8300**ATTENTION:** Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**FROM:** Andrew J. Warner  
Associate Intellectual Property Counsel  
(978) 867-2343  
awarner@cellsignal.com**RE:** Response to Office Action mailed September 4, 2009 in  
U.S.S.N. 10/735,118**COMMENTS/SPECIAL INSTRUCTIONS:**

The attached response was faxed yesterday and no auto-reply was received; kindly send confirmation upon receipt of these documents.

**\*\*\* CONFIDENTIALITY NOTE \*\*\***

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THANK YOU.

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Date of Deposit: February 3, 2009

Atty. Docket No.: CST-213  
PAIR Customer No.: 31012

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CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE FEB 04 2009

In re Application of: Bacus, et al.  
Application Serial No.: 10/735,118  
Filing Date: December 11, 2003  
Title: Method For Predicting Response to Her-2 Directed Therapy  
Examiner: Goddard, Laura B.  
Art Unit: 1642  
Atty. Docket No.: CST-213  
Confirmation No.: 4570

**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8**

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, Central facsimile number: (571) 273-8300 on this 3rd day of February, 2009.

  
Lisa M. Pappalardo

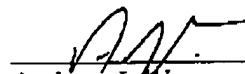
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Attached hereto for filing in the above-identified provisional patent application are:

1. Transmittal letter (1 page);
2. Response to Restriction Requirement (11 pages);
3. Petition for Extension of Time (2 pages); and
- ~~4. Return Postcard.~~

Respectfully submitted,

  
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Dated: February 3, 2009